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C O N F I D E N T I A L BAGHDAD 003620

SIPDIS

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SUBJECT: MORE ON DRAFT CONSTITUTION, UNAMI OUTREACH AND ELECTION LAW

Classified By: AMBASSADOR ZALMAY KHALILZAD FOR REASONS 1.4 (B) AND (D).

¶1. (C) Summary. At a September 3 meeting, the Ambassador discussed the draft constitution and election law with UK Ambassador Patey, Acting UNAMI SRSG Schulenburg, and UNAMI Coordinator for Constitution Support Haysom. All concurred that constitutional buy-in by all of Iraq's communities will be critical to the success of the Iraqi political process. They also agreed that the time-line for public outreach activities must reflect this goal. Ambassador encouraged Schulenburg to engage Shia leaders Abdul Mehdi and Shahrastani in order to move the election law forward. End Summary.

¶2. (C) The Ambassador reviewed his efforts to elicit Sunni support for the constitution process. Schulenburg, Patey, and Haysom agreed that Sunni buy-in will be critical to the success of the Iraqi political process. All accepted that public outreach activities that depend on timely printing and distribution of five million copies of the final constitution via the public food distribution system will have to be delayed and reworked in the light of this important goal. Also, Patey noted that timeline pressure is going to be exacerbated because key Iraqi leaders will be abroad for much of September. The way forward, all agreed, would be to encourage the Constitutional Committee to sign off on the final draft no later than a few days past September 20, and begin printing and distributing copies of the constitution. (Note. These copies would serve as the cornerstone of the NGO-led civic outreach campaign, intended to reach as much of the Iraqi population as possible. End Note.)

¶3. (C) Patey said that the recent pullback by Shahrastani from political agreement on the election law appeared to be due to renewed Shia concerns that the compensatory system would favor the Kurds. Also, Patey said Shia and Kurds disagree on whether to use electoral register or public food distribution data in allocating governorate seats. To resolve the potential impasse, all agreed to first bring Shahrastani back to the original agreement. Failing that, Patey suggested fostering a solution where Shia take primacy in determining allocation of governorate seats, and Kurds take primacy on the compensatory seating mechanism. Patey noted that the compensatory mechanism Shahrastani favors would disadvantage secular parties like Ayad Allawi's. To move the election law forward, the Ambassador suggested to Schulenburg that UNAMI host one of its breakfast meetings with Shia leaders Abdul Mehdi and Shahrastani. (Note. The TNA second reading of the election law is expected to take place on September 4, with a possible TNA vote on September 8. End note.) Khalilzad